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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Ismael A. Hernandez et al.

CASE NO.: DP-6675 USNA

APPLICATION NO.: 09/934,905

GROUP ART UNIT: 3765

FILED: AUGUST 22, 2001

EXAMINER: UNKNOWN

FOR: FIBERFILL PRODUCTS COMPRISING  
POLYTRIMETHYLENE TEREPHTHALATE  
STAPLE FIBERS

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**SUBMISSION OF TERMINAL DISCLAIMER**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Submitted herewith are a Terminal Disclaimer and a Fee Transmittal form for the subject application. The undersigned spoke with Examiner Edwards concerning USSN 09/934,866 (Attorney Docket# DP6676). Examiner Edwards requested that a terminal disclaimer be filed with respect to the product claims of the subject application and the product claims of USSN 09/934,866. In order to expedite prosecution of the subject application and co-pending application Nos. 09/934,866 and 09/934,904, applicants are filing a terminal disclaimer against both of these applications. Applicants note that the subject application and USSN 09/934,904 have not undergone prosecution and that it is not certain at this time which claims of any of these applications will be pursued. The Terminal Disclaimer is merely filed to expedite prosecution and should not be considered an admission by applicants or the undersigned concerning obviousness-type double patenting or any other issues concerning patentability.

Respectfully submitted,

*Mark D. Kuller*

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Dated: April 29, 2002



## TERMINAL DISCLAIMER

Docket Number (Optional)

DP-6675 US NA

In re Application of: Ismael A. Hernandez, et al.

Application No. 09/934,905

Filed: August 22, 2001

For: FIBERFILL PRODUCTS COMPRISING POLYTRIMETHYLENE TEREPHTHALATE STAPLE FIBERS, FIBERS, AND POLY(TRIMETHYLENE TEREPHTHALATE) STAPLE FIBERS, YARNS AND FABRICS

The owner\*, E. I. du Pont de Nemours and Company of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application or any continuation or division thereof, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending Application Numbers 09/934,866 and 09/934,904, both filed on August 22, 2001, or any continuation or division thereof (hereinafter each individually referred to as "second application"). The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

Mark D. Kuller

Signature

9/29/02

Date

Mark D. Kuller, Reg. No. 31,925

Type or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.